

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

BRIAN E. LEPLEY,  
Plaintiff,  
vs.  
ROBERT LeGRAND, *et al.*,  
Defendants.

3:11-cv-00781-ECR-WGC

## ORDER

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff has submitted an application for leave to proceed *in forma pauperis*, a civil rights complaint, and several motions. (ECF No. 1.)

21 On November 10, 2011, plaintiff filed a motion for leave to file an amended complaint. (ECF  
22 No. 4.) Plaintiff may amend his complaint once as a matter of course because defendants have not yet  
23 responded to his original complaint. Fed. R. Civ. P. 15(a). Accordingly, the court grants the motion for  
24 leave to file an amended complaint. Plaintiff must file his amended complaint within thirty days of the  
25 date of entry of this order. In his amended complaint, plaintiff is advised that he should specifically  
26 identify each defendant to the best of his ability, clarify what constitutional right he believes each

1 defendant has violated, and support each claim with factual allegations about each defendant's actions.  
2 There can be no liability under 42 U.S.C. § 1983 unless there is some affirmative link or connection  
3 between a defendant's actions and the claimed deprivation. *Rizzo v. Goode*, 423 U.S. 362 (1976); *May*  
4 *v. Enomoto*, 633 F.2d 164, 167 (9th Cir. 1980); *Johnson v. Duffy*, 588 F.2d 740, 743 (9th Cir. 1978).  
5 Plaintiff's claims must be set forth in short and plain terms, simply, concisely and directly. *See*  
6 *Swierkeiewicz v. Sorema N.A.*, 534 U.S. 506, 514 (2002); Fed. R. Civ. P. 8.

7 Plaintiff is informed that the court cannot refer to a prior pleading in order to make plaintiff's  
8 amended complaint complete. Local Rule 15-1 requires that an amended complaint be complete in itself  
9 without reference to any prior pleading. This is because, as a general rule, an amended complaint  
10 supersedes the original complaint. *See Loux v. Rhay*, 375 F.2d 55, 57 (9th Cir. 1967). Once plaintiff  
11 files an amended complaint, the original pleading no longer serves any function in the case. Therefore,  
12 in an amended complaint, as in an original complaint, each claim and the involvement of each defendant  
13 must be sufficiently alleged.

14 After plaintiff files his amended complaint, the court will conduct a preliminary screening  
15 pursuant to 28 U.S.C. § 1915A(a) and will address plaintiff's motions.

16 **IT IS THEREFORE ORDERED** that plaintiff's motion for leave to file an amended complaint  
17 (ECF No. 4) is **GRANTED**. Plaintiff must submit his amended complaint within **thirty (30) days** of  
18 the date of entry of this order.

19  
20 DATED this 28th day of November, 2011.

21 *Walter J. Cobb*  
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23 UNITED STATES MAGISTRATE JUDGE  
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